

**RICCI TYRRELL JOHNSON & GREY, PLLC**

**By: James W. Johnson, Esquire**

**1515 Market Street, Suite 1800**

**Philadelphia, PA 19107**

**Counsel for Defendant BDP International, Inc.**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE M/V MSC FLAMINIA**

---

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**:**  
**:** MASTER FILE 12 CV 8892 (GBD)  
**:**  
**:** BDP INTERNATIONAL, INC.'S  
**:** MOTION FOR MISCELLANEOUS  
**:** RELIEF  
**:**

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, upon consideration of Counsel for BDP International, Inc.'s Motion for Miscellaneous Relief, and any response thereto, it is hereby **ORDERED** and **DECREED** that the motion is **GRANTED** and that the Clerk of the Court shall remove BDP's counsel, James W. Johnson, Esquire from the docket service list.

---

J.

**RICCI TYRRELL JOHNSON & GREY, PLLC**

**By: James W. Johnson, Esquire**

**1515 Market Street, Suite 1800**

**Philadelphia, PA 19107**

**Counsel for Defendant BDP International, Inc.**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE M/V MSC FLAMINIA**

---

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**:  
:  
:  
:  
:  
:  
:  
:  
:**

**MASTER FILE 12 CV 8892 (GBD)**

**BDP INTERNATIONAL, INC.’S  
MOTION FOR MISCELLANEOUS  
RELIEF**

BDP International Inc. (“BDP”) hereby moves this Honorable Court for Miscellaneous Relief requesting the Court to order the Clerk of the Court to remove BDP’s counsel, James W. Johnson, Esquire from the Docket Service List pursuant Local Civil Rules 1.4 and 58.1, and in support submits the following:

1. From August 13, 2018, through August 29, 2018, the Honorable Judge Forrest presided over the Phase II trial in this matter which addressed the issue of liability for the explosion on the MSC/FLAMINIA. The Court had made factual findings relating to the cause of the explosion aboard the MSC/FLAMINIA in its corrected decision of January 23, 2018, concluded in her opinion that “BDP did not deprive Stolt of any real defense” as the evidence at trial established that BDP’s breach of its contract with Stolt did not contribute to the loss, and it led to no damage (Exh. A, ECF 1619 pp. 10-11, 110-111).

2. Stolt Neilson appealed the District Court’s Opinion and Order with respect to Stolt’s breach of contract claim against BDP to the Second Circuit, which on June 30, 2023, issued

its opinion that BDP was not liable for any damages (Exh. B., pp 5-8; 46-48).

3. On August 7, 2023, the Second Circuit Court of Appeals denied Stolt Neilson's Petition for re-Hearing and rehearing *en banc*. (Exh. C).

4. On August 14, 2023, the Second Circuit Court of Appeals issued its Mandate Judgment Order affirming the District Court's decision as to the non-liability of BDP. (ECF 1734).

5. Pursuant to Local Rule 58.1, when the Mandate from the Second Circuit was filed with the District Court, it automatically becomes an Order and Final Judgment of the District Court.

6. Based upon the above, and given that BDP was awarded Judgment in its favor and been found not liable for any damages, BDP, pursuant to Local Civil Rule 1.4, hereby requests Miscellaneous Relief from this Court to issue an Order to Clerk of the Court to remove James W. Johnson, Esquire from the docket service list.

**RICCI TYRRELL JOHNSON & GREY**  
**Attorneys for BDP International, Inc.**

By: /s/ James W. Johnson

James W. Johnson, Esquire  
Attorneys for Defendant,  
BDP International, Inc.  
1515 Market Street, Suite 1800  
Philadelphia, PA 19102  
(215) 320-3260

Dated: December 15, 2023

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2023, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ James W. Johnson

James W. Johnson

***Attorney for BDP International Inc.***